



TOWN COUNCIL WORK SESSION MINUTES

Monday, November 21, 2016 @ 6:30pm
Town Hall Conference Room

1. CLOSED MEETING – Board of Architectural Review (BAR) Interviews

Motion to Go Into Closed Meeting

Councilman Connolly moved, seconded by Councilman Egger that Council convene and go into Closed Meeting for the following purposes: the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of a public body, pursuant to Section 2.2 3711. A. 1., of the Code of Virginia.

Vote: Yes – Connolly, Egger, Hrbek, Meza, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(Mayor Darr did not vote as there was no tie to require his vote)

Motion to Certify Closed Meeting at its Conclusion

Councilman Connolly moved, seconded by Councilman Meza that Council certify that to the best of each member's knowledge, as recognized by each Council member's affirmative vote, that only such public business matters lawfully exempted from Open Meeting requirements under the Virginia Freedom of Information Act as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the Closed Meeting by Council, and that the vote of each individual member of Council be taken by roll call and recorded and included in the minutes of the meeting of Town Council.

Vote: Yes – Connolly, Darr, Egger, Hrbek, Meza, Tewalt and Tharpe

No – N/A

Abstain – N/A

Absent – N/A

(By Roll Call)

2. HEPTAD Request to Extend Deadline to Prepare/Submit an Engineered Development Plan – Director of Planning/ Zoning

Summary: HEPTAD, LLC has submitted a request to Town Council for an extension of time to submit their required development plan. Specifically, HEPTAD, LLC requests Town Council to grant a one year extension. This would give HEPTAD, LLC until December 3, 2017 to submit their required development plan. Town Council has previously approved one-year extensions based on the reason that Leach Run Parkway was incomplete at the time. In the Applicant's letter of request, as submitted by their attorney, Lawson and Silek, P.L.C., states the following: *"While there have been discussions, no one has yet put forward a contract. Indeed, the feedback which my client has received during their discussions was that a contract proposal would have to wait until the Leach Run Parkway construction was completed in order to determine the most feasible and marketable development configuration."*

The requirement to submit a development plan is found under Town Code 175-37.18, and is applicable to developments within the Planned Neighborhood Development (PND) District. It states that *“(w)ithin one year of approval of a Master Land Use Plan for development of a Planned Neighborhood, prior to the approval of building permits, the applicant shall prepare and submit for review and approval an engineered Development Plan, along with the fee as established in the approved schedule of fees. The applicant may petition the Town Council for an extension of time for submission of a development plan, provided such extension is requested at least 20 days prior to the expiration of the one-year period. The Town Council may grant an extension upon demonstration of good cause for up to one year.”*

HEPTAD, LLC is the owner of the proposed development referred to as Swan Estates, or simply as HEPTAD. Leach Run Parkway (LRP) is necessary to serve as the primary access to the proposed development. LRP will traverse HEPTAD’s property. A concept plan (Master Land Use Plan) of the proposed development was approved in 2012, along with detailed proffers. The proffers include a limit of 450 dwellings on the 98.25 acre property. The portion of the property on the east side of LRP is designated for commercial uses and adjoins the property owned by Valley Health. Cash proffers are included to the Town for construction of LRP and to the County for impact to the public school system. A future road connection to Westminster Drive is also included in the proffers.

Staff Evaluation: Staff does not object to an additional 1-year extension. However, additional future extensions may not be appropriate since LRP is scheduled to be completed by Spring of 2017.

Council Discussion: Mr. Camp explained that there can be an extension up to a year at a time. He added that the Town has not locked any prices in, as it will not be affecting the Town, other than the concept plan that is part of the proffers. He noted that there was a cap on the tap fees, but it was removed and that will not be affected.

3. Budget Amendment for Outstanding Purchase Orders – Director of Finance

Summary: Council needs to approve a budget amendment to carry forward unpaid balances on purchase orders not completed at the end of June 2016 for fiscal year 2016.

Staff Evaluation: The Finance department has compiled a list of outstanding purchase orders, totaling \$39,439,320.80, based on the final audit results that need to be carried forward to the FY17 budget cycle to complete unfinished projects.

Budget/Funding: Funding will be offset from the appropriate fund balance reserves for each fund indicated, the revenue for these projects have been connected in previous budget cycle.

General Fund	\$ 514,832.05
Special Projects	662,810.03
Electric Fund	894,353.75
Sewer Fund	25,468,400.75
Water Fund	2,997,502.48
Solid Waste Fund	18,366.05
Street Fund	<u>8,883,055.69</u>
TOTAL	\$39,439,320.80

Staff Recommendations: Staff recommends Council move forward with a public hearing on this item, an increase of greater than 1% of the original budget requires a public hearing. Staff further would recommendation of approval of these funds as this is a yearly housekeeping item.

Council Discussion: Mr. Tewalt asked about the \$3 million in fund balance for water. Mr. Wilson stated that it includes the painting of the water tower, the upgrade of the Leach Run water lines and other smaller projects. Mr. Meza asked for clarification that it is projects which were not completed that are rolling into the next year; Mr. Wilson noted that was correct.

4. Budget Amendment for Sewer User Surcharges – *Director of Finance*

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Staff Recommendations: Staff recommends Council move forward with a public hearing on this item, an increase of greater than 1% of the original budget requires a public hearing. Staff further would recommendation of approval of these funds as this is a yearly housekeeping item.

Council Discussion: Mr. Wilson noted that an industrial user has submitted a report showing that it is above the acceptable limits. He noted that in order to offset the additional expenses it requires an additional budget adjustment.

5. Lease Agreement Renewal for Use of Carnival Grounds – *Town Manager*

Summary: The Front Royal Volunteer Fire and Rescue Department is requesting to renew their Lease Agreement for the use of the carnival grounds located at Crosby Lane and 8th Street. The lease will commence on January 1, 2017 and ends on December 31, 2022.

Council Discussion: Council noted that they were in favor of the continual lease area. Mr. Hrbek asked about the East-West Connector, Mr. Burke noted that it would most likely not take place within the five years.

6. Request for Town to Sponsor Memorial Day Event – *Town Manager*

Council Discussion: Mr. Barr gave a description of the past events and noted their request of the Town's sound system for the upcoming ceremony once again. He noted that they plan to have a banner for next year, which cost about \$1,000, which will last several years. He stated that they plan to have sponsors for the event as well. Mr. Barr noted that he had paid for event insurance of \$350 and he was hoping to have the Town sponsor the event, if at all possible.

Robert MacDougall noted his thanks to Mr. Burke for the ongoing support and assistance. He asked if Council could support the event and he would request the Town curb the traffic going by the gazebo during the ceremony.

Mayor Darr stated that he was honored to participate in the event and it has become a popular day and very well attended. He noted that the insurance could be covered by the Town's VML event insurance and he was all in favor of the Town's support and sponsorship of the event.

Councilman Tewalt asked about the funding a corner of the sign and the event insurance. Councilman Hrbek noted that he would be pleased to sponsor a corner of the banner as well.

Mayor Darr suggested a resolution of the sponsorship and the sign corner.

7. Ordinance for Electronic Meeting Participation by Council – *Town Attorney*

PROPOSED PUBLIC HEARING – Ordinance to Approve Section 4-1.1 of Town Code, Individual Member Remote Attendance by Electronic Means at Town Council Meetings (1st Reading)

Summary: Council is requested to affirm on its first reading an Ordinance to approve on its first reading, Section 4-1.1 of Town Code, Individual Member Remote Attendance by Electronic Means at Town Council Meetings. Code § 2.2-3708.1 of the Freedom of Information Act allows for electronic participation, such as by telephone, in public meetings, such as Town Council Meetings and Work Sessions, for certain specific, limited circumstances, provided the public body has previously adopted a written policy allowing for such electronic participation. This State Code provides very specific parameters on how such a policy may be allowed by localities. Town Council informally discussed this policy at its Work Session on September 19, 2016, and directed staff to draft such a policy, as permitted by State Code, in the form of a proposed ordinance to bring back to Town Council for its review and approval.

Council Discussion: Mr. Napier gave a summary of the allowable change proposed to the Town Code. Council chose to send it to a regular meeting for public hearing.

8. Greg Coons Lot 77 Pickett Court Connection Fees – *Councilman Hrbek*

B.J. Wilson, Finance Manager
102 E. Main Street
Front Royal, VA 22630

Dear Manager:

I have received your letter dated October 31, 2016 concerning the paid water and sewer tap fees for a lot that I own known as Lot #77 located on Pickett Court in Front Royal. I did submit an application for, which was approved, and I paid the water and sewer tap fees on November 1, 2004. (letter is attached) Your letter references the town code 134-71.1 and the purchase of water and sewer taps and highlights subsection C which states "If the water and sewer connection is not installed within twelve (12) months from the date of purchase because the purchaser is not ready for actual installation, the purchase shall be voided and the purchase price alone shall be refunded without interest."

Throughout the process of applying for, being approved and paying for these tap fees I was never told there was any time limit on when the connection needed to be made. I had conversations and interactions with the building and finance departments during this process and it was never mentioned. It's also apparent that these departments themselves were unaware of any time limit based on the fact that the timeliness of the connection was clearly not being tracked by either of these departments. This lack of tracking reaffirms my contention that a time limit was never conveyed to me. I respectfully request that my purchase of the water and sewer connection be reinstated.

Sincerely,
Greg Coons

From Finance Department:

Our records indicate that the water/sewer tap fees for the property of 1408 Pickett Ct Lot# 77 were paid by you on November 1st, 2004. Our records also indicate that no connection has been established to the Town water/sewer systems. Please see below highlighted section of Town Code:

134-71.1 PURCHASE OF WATER AND SEWER TAPS

A. A water and sewer connection can be purchased from the Town of Front Royal only for a specific, designated building site or lot. Chapter 134 TOWN OF FRONT ROYAL MUNICIPAL CODE Chapter 134 134- 69

B. Once an application to purchase a water and sewer connection has been received, the connection shall not be transferrable to another site.

C. If the water and sewer connection is not installed within twelve (12) months from the date of purchase because the purchaser is not ready for actual installation, the purchase shall be voided and the purchase price alone shall be refunded without interest.

D. Water and sewer connection fees shall be paid upon application. However, when a single developer in a single application requests the purchase of six (6) or more water and sewer taps for six (6) or more building units, the connection fee for each tap may be paid upon actual installation of each respective tap. (Ord. No. 2-86 Added Entire Section 2-10-86-Effective Upon Passage)

Please be advised that pursuant to Town Code, your purchase of water and sewer connection is now void. Please contact the Finance Department within 15 days of receipt of this letter, to provide instructions regarding the refunding of connection fees.

Sincerely, The Town of Front Royal Finance Department

Council Discussion: Mr. Wilson noted that there were seven properties that have similar circumstances. Councilman Tewalt stated that the policy was put in place that they could not do this without their Zoning clearance. Mr. Wilson noted that it was an oversight on the Town's part. Mayor Darr stated that he would take the tap installation. Mr. Meza suggested a set time to allow the installation or the refund within six months for example; several members of Council agreed with Mr. Meza. Mr. Tewalt noted that the Town should honor their own system and he would suggest agreement with Mr. Meza. Mayor Darr suggested another year to allow them to do the installation. Mr. Burke noted that it would be a resolution on the upcoming agenda.

9. Criser Road Trail Funding – *Councilman Hrbek*

Councilman Hrbek noted that the Town could finish the trail then reimburse with the grant. Mr. Burke noted that they could not go forward with that. Councilman Tewalt noted that he would prefer to borrow from the Electric Fund instead, using a loan system and then pay back. Mr. Burke stated that they would still need to allot for the “critter” issues with the system. Mayor Darr voiced his support of the project completion, noting that Shenandoah National Park representatives also would like to finalize the matter.

10. Council Discussion/Goals

Councilman Egger noted that she would like to send the letter to Congressman Goodlatte's office

Councilman Meza stated that he would like to format it as concerns, as the way it is formatted currently by Ms. Egger, it may not receive a response.

Councilman Hrbek and Connolly asked if it was even the Town's business. Mr. Connolly added that perhaps it was not their business and was not appropriate to send the letter to Con. Goodlatte.

Councilman Hrbek noted that such questions would not be asked by the Town of any private company. Mr. Hrbek stated that it does not affect the Town government. Ms. Egger noted that they owe it to the citizens of the Town what is happening at that site, as we are concerned about our Town.

Mr. Hrbek asked that the EDA should perhaps be asked to discuss matters in Closed Session.

Vice Mayor Tharpe stated that the project was held up and that was not ITFederal's doing. Ms. Egger noted that they need affirmation. Mr. Tewalt stated that the ruckus with the EDA and others is why the Chik Fil A and others will not come to the Town.

Mayor Darr noted that previously Congressman Goodlatte's office had been contacted. Mr. Burke noted that it was contacted and they were waiting on the response.

Mr. Connolly stated that he felt Mr. Goodlatte had done all he could at this point by placing his name on the project and attending the groundbreaking and he would not support sending the letter. Mayor Darr noted that they would discuss again in the future.

Councilman Tewalt asked about selling off the additional buildings that are vacant and available to realtors.

Vice Mayor Tharpe noted that many calls were received when the trailer notice was sent out when and he asked that a better definition be included in said notices. Mr. Connolly noted that having trailers on the street was a safety concern and he did not wish to extend the matter. Council stated that a better clarification of the trailers was necessary.

Councilman Meza noted that he asked for an update for the RFP for the healthcare services and the employee benefits. He expressed concern that it will not be ready in time for the budget process.

Councilman Meza asked if gazebo cameras were up and working. Mr. Burke noted that a public notice will be sent out once they were up and running.

Councilman Meza asked about the lean initiatives for Solid Waste. Mr. Burke stated that perhaps it could be the December 5th worksession.

Present: Mayor Darr, Vice Mayor Tharpe, Councilman Connolly, Councilman Egger, Councilman Meza, Councilman Hrbek, Councilman Tewalt, Finance Director Wilson, Town Attorney Napier, Town Manager Burke, Acting Town Manager Waltz, Clerk of Council Berry, Councilman-Elect William Sealock, Police Officers Winner & Nicewarner, IT Director Jones, Planning & Zoning Director Camp, members of the media and members of the public.